

Minutes  
Catawba County Board of Commissioners  
Monday, March 18, 2002, 7:00 p.m.

**Appointment**

Nursing & Rest Home Community Advisory Committee	237	03/18/02
Subdivision Review Board	238	03/18/02
Home & Community Block Grant Advisory Council	238	03/18/02

**Bids**

Bid for the construction of the Blackburn Landfill Facility Construction/Demolition Landfill Unit 2, Phase 1	241	03/18/02
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**Grants**

Transit Rural Operating Assistance Program Grant Application	233	03/18/02
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**Guests**

Candidates Gerald Kamp, Clyde Sigmon and Lynn Lail	236	03/18/02
Robert Braswell, Hickory Public School Board	236	03/18/02
Ken Johnson, Sons of Confederate Veterans	236	03/18/02

**Landfill**

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**Maiden, Town of**

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**Sheriff's Department**

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**Transportation**

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**Utilities and Engineering**

Bid for the construction of the Blackburn Landfill Facility Construction/Demolition Landfill Unit 2, Phase 1	241	03/18/02
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The Catawba County Board of Commissioners met in regular session on Monday, March 18, 2002, 7:00 p.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chairman W. Steve Ikerd, Vice Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty, and Dan A. Hunsucker.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, County Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chairman Ikerd called the meeting to order at 7:00 p.m.
2. Invocation was offered by Reverend Joel Cherry.
3. Commissioner Barnes made a motion to approve the minutes of the regular and closed sessions of Monday, February 18, 2002. The motion carried unanimously.
4. Presentation:
  - a. Presentation of Meritorious Public Service Award to Deputy Sheriff Terry A. Shull.

Commissioner Huffman presented a Meritorious Public Service Award to Deputy Sheriff Terry A. Shull. On February 5, 2002, Deputy Shull placed his concern for the safety of others ahead of his own while trying to save the life of an elderly Catawba County gentleman in a residential fire located at 8494 Hoyle Road, Vale, North Carolina. Deputy Shull heard the fire call and found himself in close proximity of Hoyle Road. One of the first to arrive on the scene of the fire, Deputy Shull tried to gain entry into the residence but was unable to do so due to the heavy smoke. He continued to assist without proper fire gear after the arrival of personnel from different branches of emergency services but the elderly gentleman, Grady Harmon, succumbed to smoke inhalation. Deputy Shull is commended for his unselfish act of heroism in the face of danger.

Sheriff Huffman commended Deputy Shull.

5. Public hearings:
  - a. Transit Rural Operating Assistance Program Application.

Mr. Michael Bradshaw, Transit Manager Piedmont Wagon said the North Carolina Department of Transportation has issued the Rural Operating Assistance Program (ROAP) grant application for FY 2003. Grant applications are due by April 12, 2002. A public hearing is required to solicit comment on the local disbursement of funds. The grant combines applications for funds for the Work First Program, Elderly Disabled Transportation Assistance Program (EDTAP) and the Rural General Public Program (RGP). The completed application asks for \$143,406, for transportation assistance in Catawba County. The funding is \$72,430 for the Elderly and Disabled Transportation Assistance Program, \$13,646 for Work First and \$39,330 for the Rural General Public Program. Additionally, the grant will request \$18,000 in RGP discretionary funds. The EDTAP funds will be used to provide transportation services to elderly and disabled county residents for medical (both in and out of county), nutrition, shopping and personal business, social/recreational, employment and education. It is estimated that these funds will provide 10,500 trips in FY 2003. The RGP funds will be used to provide transportation to county residents who do not qualify for services under any human service program. An estimated 3,657 trips will be provided in FY 2003. The Work First funds will be used to provide repairs and allowable support services (insurance, fuel etc.) for private vehicles for former recipients and the general low-income employment population. It is estimated that 65 to 100 families will receive assistance through this program. There are no additional Catawba County funds that need to be allocated to meet the match of these programs over and above the usual annual transportation funding allocation.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Barnes made a motion to approved the Rural Operating Assistance Program (ROAP) grant application for FY 2003. The motion carried unanimously.

- b. Proposed names for unnamed streets located in Caldwell, Clines, Hickory, and Newton Townships.

Ms. Connie P. Killian, E-911 Coordinator said the goal of the County's E-911 office is to assign individual E-911 numbers to all dwellings located in Catawba County. To be able to assign these individual numbers, all streets & driveways must be named so that a numbering range can be established for each street. In the continuing process of naming streets or driveways in Catawba County, the following streets were found to be unnamed:

She said there were six (6) roads in Caldwell Township that needed to be named.

1. The first street is located off Providence Mill Rd and it has four lots located on it. A suggestion of Buss Dr was made by three of the four property owners. Property owner of Lot #4 suggested Tranquil Place. Owner of Lot #4 does not live on this property and plans to develop it in the future. His road name suggestion will be saved for him when he develops his property. As three out of four property owners were in agreement with a name and the fact that it met County requirements for naming a street, E-911 staff recommended this proposed name. The Planning Board recommended Buss Dr for this unnamed street.

2. The second unnamed street is located off Hewitt Rd and has seven lots located on it. The E-911 office only heard from one property owner, Ms. Patricia Whisenant, who owns lots 36. Ms. Whisenant informed staff that she did not want her road name because she felt it was a private driveway. As no other property owners had suggested a name, staff recommended the name of Grover Ln to the Planning Board. During the Planning Board meeting E-911 staff informed the Board that on Friday, February 22<sup>nd</sup> Ms. Whisenant called again and suggested the name of Whisenant Ln for this unnamed street. Staff informed the Board that this was a usable name so the Planning Board recommended Whisenant Ln for this unnamed street.

3. The third unnamed street is located off Mathis Church Rd and has nine lots located on it. The E-911 staff heard from four property owners of these lots, and they recommended the name of Rosies Hollar. A child of Mr. Thomas Hughey (Lot #5) phoned and requested that the street be named Emmer Rose Circle. Staff did not consider this name proposal, as this person did not live on this street. No other names were proposed for this street, so E-911 staff recommended Rosies Hollar. Mr. Hughey attended the Planning Board meeting and informed E-911 staff that he wanted to correct the spelling of the suggested road name to Rosies Hollow Ln. As this was a usable name, the Planning Board recommended Rosies Hollow Ln for this unnamed street.

4. The fourth unnamed street is located off S Olivers Cross Rd. There are five lots located along this street. Three out of the five property owners suggested ER Dr for this unnamed road. As this was a usable name, staff recommended ER Dr for this unnamed street. Staff felt ER Dr might be misleading and Ms. Killian contacted the EMS Department and the Communication Center and was told there should not be a problem. The Planning Board recommended ER Dr for this unnamed street.

5. The fifth unnamed street is also located off S Olivers Cross Rd. There are three property owners along this street. Two out of the three property owners recommended the name of Kudzu Dr for this unnamed street. The third property owner does not use this road because his access is off S Olivers Cross Rd. This was a usable road name, so staff recommended Kudzu Dr for this unnamed road. The Planning Board recommended Kudzu Dr for this unnamed street.

6. The sixth unnamed street is located off S Olivers Cross Rd also. There are three lots on this street. All property owners along this street suggested the road name of Vernies Way. As this was a usable name, staff recommended Vernies Way for the name of this unnamed road. The Planning Board recommended that this unnamed street be named Vernies Way.

The following unnamed streets were located in Clines Township in K & S Mobile Home Park:

1. Owners of K & S Mobile Home Park were notified by E-911 staff to suggest names for the two streets located within their mobile home park. This park is located off Turtle Dove Rd. The owner did not contact staff with name recommendations, so staff recommended Eden Ln and Crater Ln for the two unnamed streets in this mobile home park. As these were usable names, the Planning Board recommended that Eden Ln and Crater Ln be used for the streets located in K & S Mobile Home Park.

The following unnamed streets were located in Hickory Township:

1. E-911 staff received a petition from property owners along an unnamed street that comes off Machine Shop Rd in Hickory Township proposing that their street be named Barger Home Pl. Three out of the four property owners along this street signed the petition, which makes this a valid petition as required by County regulations to name a street. The fourth property owner phoned the E-911 office and stated that they were in agreement with the proposed name. As this was a useable name, E-911 staff recommended that this unnamed street be named Barger Home Pl. The Planning Board recommended Barger Home Pl for this unnamed street.

2. Mt. View Mobile Home Park owners were notified by E-911 staff to recommend two names for the unnamed streets located in their mobile home park located off S NC 127 Hwy. The park owners suggested the names of Park Rd and Jeff Crafton Ln for these two unnamed roads. Both names were usable, so staff recommended Park Rd and Jeff Crafton Ln for the two unnamed streets in Mt. View Mobile Home Park. The Planning Board recommended Park Rd and Jeff Crafton Ln for these two unnamed streets.

The following streets needed to be named in Newton Township:

1. Mt. Olive Mobile Home Park owners were asked by E-911 staff to propose a name for the unnamed street (Map #10) in their mobile home park located off Silas St in Newton Township. The owners have suggested the name of Foree Dr. As this was a usable name, staff recommended Foree Dr for the unnamed street. The Planning Board recommended Foree Dr for the unnamed road in Mt. Olive Mobile Home Park.

2. Maple Lane Mobile Home Park owner was asked to name the unnamed road in his park off Campbell Rd in Newton Township. The property owner of this park suggested the name of Corky Ln. As this was a usable name, E-911 staff recommended Corky Ln for the name of the unnamed street in Maple Lane Mobile Home Park. The Planning Board recommended Corky Ln for this unnamed street.

Upon reviewing all the recommendations, the E-911 staff found them to be non-duplicate road names. The Planning Board recommended that the Board of Commissioners approve all the proposed names for the unnamed streets.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Beatty commended Ms. Killian for working on these street names.

Commissioner Beatty made a motion to approve names for the aforementioned unnamed streets as recommended by the Planning Commission. The motion carried unanimously.

- c. Proposed street name change for a portion of Rockett Street, SE to Burris Road located in Clines Township off Emmanuel Church Road.

Ms. Connie P. Killian, E-911 Coordinator said in December 2001 the E-911 office received a request from the City of Conover to rename a portion of Rockett St SE to Burris Rd. The County received this request due to the location of the road, which is in the County's numbering area and Conover's zoning jurisdiction. This road name change will make Burris Rd a continuous named street from McLin Creek Rd to Emmanuel Church Rd. The Planning Board at its February 26, 2002 meeting unanimously recommended the approval of this road name change and requested that the Board of Commissioners give its approval to Conover's request.

Chairman Ikerd opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

Mr. David Yoder, 1431 Hardwood Circle, asked if this was a county accepted road?

County Staff Attorney Debra Bechtel said she believed this road was within the City of Conover's jurisdiction.

There being no one else wishing to speak, Chairman Ikerd closed the public hearing.

Commissioner Huffman made a motion to approve the street name change for a portion of Rockett Street, SE to Burris Road located in Clines Township off Emmanuel Church Road. The motion carried unanimously.

6. Special Guests.

Chairman Ikerd recognized Candidates Gerald Kamp, Clyde Sigmon, and Lynn Lail. He also recognized Robert Braswell with the Hickory Public School Board.

7. Special guests not listed on agenda:

- a. Mr. Ken Johnson, 1172 Sunset Court, Conover, NC, representing Sons of Confederate Veterans.

Mr. Johnson requested that the Board allow them to add a monument to the 1924 Courthouse grounds. Mr. Johnson said they had started a fundraiser.

Attorney Robert Oren Eades said the approval that the Commissioners gave in 2001 was clearly contingent upon approval being had by the Catawba County Historical Association Board of Trustees (Trustees). The Trustees in February 2001 went on record that they were opposed to the erection of any additional monuments on the courthouse grounds. Mr. Eades said every time he met with Mr. Johnson and Mr. Poovey he told them on a repeated basis that they would have to determine if they wanted a monument that the Trustees agreed on or no monument that is the monument proposed. Mr. Eades said the Trustees at its most recent meeting reiterated that they were opposed to the erection of any further monument on the courthouse grounds. Mr. Eades said he was told after he made a presentation to the Trustees about compromises that Mr. Johnson's group had withdrawn those offers of compromise. The Trustees said there were two issues to be examined: 1) Are the men deserving of honor and the Trustees said yes; and 2) Should they be honored by the erection of a monument on the courthouse grounds or should any further monuments be erected on the courthouse grounds and the Trustees said no. Mr. Eades said the men the Sons of Confederate Veterans have identified are worthy of being memorialized and the Trustees went beyond that and said they were going to do this in the gallery that is already designated for the military history located in the 1924 Courthouse where artifacts are on display. There is a large, vacant wall and the Trustees plan to erect a bronze memorial that name all of the Civil War men who died as well as the War of 1812, Spanish American War, and Revolutionary War who were from Catawba County. Mr. Eades said he sent Mr. Johnson a letter in March informing Mr. Johnson of the Trustees plans and that the Trustees would like for the Sons of the Confederate Veterans to assist the Trustees with the bronze plaque. Mr. Eades said the Trustees are planning to erect a bronze plaque whether the Sons of the Confederate Veterans assist because the Trustees agreed it is something that makes sense to do.

Mr. Eades said he received a letter from Mr. Johnson on March 18, 2002, that they were ready to offer assistance as soon as a clearly communicated plan of action is presented to them. Mr. Eades said the plan of action is the Trustees plan to put a monument, bronze plaque, on the wall inside the 1924 Courthouse that is already dedicated to military history. The Trustees will ask the Sons of the Confederate Veterans, as the Trustees have done, as well as other veteran groups and others in the community to support the Trustees with fundraising. Mr. Eades said the Trustees hope the Sons of the Confederate Veterans contributes and if there is a significant contribution it will be reflected on the bronze plaque.

Mr. Johnson said the Sons of the Confederate Veterans have done everything the Trustees have asked them to do and presented everything asked of them. Mr. Johnson said they wanted to go with

their original design and as far as the monies, he has letters of support and donations from all the other veterans organizations in support of their original design. The group hopes the Board of Commissioners will override the decision of the Trustees. They feel they have been treated unfairly.

Chairman Ikerd said this issue needed to be settled. Mr. Ikerd said there is a great representation of a confederate statue on the courthouse lawn that symbolizes more than any other conflict. Mr. Ikerd said the Commissioners accepted the Trustees recommendations that there would be no more statues added to the courthouse grounds. Mr. Ikerd said he had family members in the Civil War.

Mr. Johnson asked why they were allowed to raise money for a monument or marker? Mr. Ikerd said the Board of Commissioner had never taken action on that and Mr. Johnson may have received individual discussions. No one commissioner or any other individual could give Mr. Johnson a recommendation or authorization unless the Board made the decision.

Commissioner Hunsucker said the Board of Commissioners discussed and voted to accept the Trustees recommendation. He said the fundraising was up Mr. Johnson's group because the Commissioners had not made a decision. He said by placing the plaque in the military history room citizens can look at the names and then get more history from the books.

Mr. Johnson asked if the museum would be open 24 hours a day, seven days per week? Mr. Hunsucker said no.

Mr. Johnson said Mr. Eades called and said for his group to go ahead and raise money.

Mr. Eades said his words were to come up with a monument that would gain the approval of the Trustees that would work and he said he told the Sons of the Confederate representatives over and over to come up with a monument that would work and gain approval.

Mr. Johnson said yes, Mr. Eades did say that. Mr. Johnson said the trustees would not approve their plan.

Commissioner Huffman said one of the first things Mr. Johnson wanted was the soldiers recognized and she said he was right in that and the Commissioners agreed with that. She thinks the Historical Association has made a great compromise with all the names listed and she hopes with the help of the Sons of the Confederate Veterans to make sure all the names are listed. She said the Sons of the Confederate Veterans have raised money and the Commissioners never told them to raise money; but, if they donate money for the plaque that the Historical Association is going to put up in the museum she thinks that is a wonderful tribute.

Mr. Johnson said he would have to take that up with members of his camp.

Commissioner Huffman said the Board has made a decision to display the names on a plaque in the military history museum. She said Mr. Johnson requested the names be displayed outside and she thinks the Board has made a good compromise to display all names on a plaque inside the courthouse.

Commissioner Barnes said the Board of Commissioners has asked for advice from the Historical Association who has more control and invites groups in and elaborates of the issues of history in the county, and to have the names and see them in context will be very meaningful especially for school children coming through. She supports the compromise that has been created.

Chairman Ikerd said the Board of Commissioners made a fair compromise. The Board accepted the recommendation from the Historical Association Trustees that there will be no more monuments placed on the grounds of the 1924 Courthouse.

8. Appointments.

**Nursing & Rest Home Community Advisory Committee**

Commissioner Hunsucker reappointed Dixon Adams for a third, three-year term. The term will expire March 16, 2005. Commissioner Hunsucker reappointed Elizabeth Huss and Cathy Schwelder for second terms which will expire February 4, 2005. He appointed Connie Bray as an Industry Representative, replacing Betty

McGee who didn't wish to be reappointed, for a three-year term retroactive to November 19, 2001 and will expire November 20, 2004. He appointed Ramona Baker, 751 – 23<sup>rd</sup> Avenue, NE, Hickory, to replace Annette Jones who did not wish to be reappointed. Ms. Baker's initial one-year term will expire, February 4, 2003.

#### **Subdivision Review Board**

Chairman Ikerd reappointed Glenn E. Barger for a second, two-year term which will expire June 30, 2004.

#### **Home & Community Block Grant Advisory Council**

Commissioner Huffman reappointed Mary Mode (first term), Miriam C. Davis (third term), Frances Frock (sixth term), Luther Knauff (sixth term), Grace McLeod (sixth term), Max Padgett (sixth term), and Shelia Weeks (second term) for two-year terms which will expire on February 21, 2004. She appointed Gladys Seitz (replacing Karen Bolich), John Waters (replacing Aubrey Stone), and Alice Layne (replacing Kimberly Whitener) for first, two-year terms which will expire February 21, 2004.

Commissioner Ikerd made a motion to approve the aforementioned appointments. The motion carried unanimously.

9. **Consent agenda:**

The following four items were grouped as the Consent Agenda and were presented by County Manager J. Thomas Lundy.

a. **Designation of Lead Agency on Aging For Home and Community Care Block Grant.**

The Board has designated the Department of Social Services as the Lead Agency on Aging since FY 1993-1994 according to requirements stipulated by the state Division of Aging. Boards of County Commissioners are requested to make this designation as well as to name an Advisory Committee to develop a funding plan for the Home and Community Care Block Grant. In February 2002, the Board named the Advisory Committee to carry out this responsibility with two-year terms expiring February 2002. The length of designation for Lead Agency and Advisory Committee appointments is at the discretion of the Board of Commissioners. Responsibilities of the Lead Agency include:

--Directing the work of the Block Grant Advisory Committee in order to assure community input to the funding plan.

--Submission of the proposed Plan to the County Budget Officer by April 30.

--Ensuring the approved funding plan meets all requirements specified by the Division of Aging and is submitted to the Area Office on Aging by June 30.

It is recommended the Catawba County Board of Commissioners designate the Department of Social Services as the Lead Agency on Aging for two years, FY 2002-2004, to fulfill these responsibilities.

b. **Resolution amending Board of Commissioners 2002 Meeting Schedule.**

#### **Resolution No. 2002-06 Amending the Board of Commissioners 2002 Meeting Schedule**

WHEREAS, on October 15, 2001, the Catawba County Board of Commissioners approved its meeting calendar for 2002; and

WHEREAS, the Board Retreat was scheduled for Friday, March 29, 2002, 8:30 a.m., location TBA; and

WHEREAS, the Budget Hearings were scheduled for Monday, May 20, 2002, 1:15 p.m. and Tuesday, May 21, 2002, 1:15 p.m. and the Budget Public Hearing and Wrap-up Session was scheduled for Thursday, May 23, 2002, 7:00 p.m.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners wishes to cancel its Friday, March 29, 2002, 8:30 a.m. retreat with a new date TBA; and

BE IT FURTHER RESOLVED that Budget Hearings be rescheduled from Monday, May 20, 2002, 1:15 p.m. and Tuesday, May 21, 2002, 1:15 p.m. to the afternoons of Thursday, May 23, 2002, 1:15 p.m. and Friday, May 24, 2002, 1:15 p.m., and the Budget Public Hearing and Wrap-up Session be rescheduled from Thursday, May 23, 2002, 7:00 p.m. to Thursday, May 30, 2002, 7:00 p.m.

This the 18<sup>th</sup> day of March, 2002.

/s/ W. Steve Ikerd, Chairman  
County Board of Catawba Commissioners

- c. Change in Appointed Map Review Officers.

**Resolution No. 2002-07  
Change in Appointed Map Review Officers**

WHEREAS, S.L. 1997-309 (SB875) made a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law was to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person or persons to serve as Review Officer to review each plat or map before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Catawba County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording.

WHEREAS, the Catawba County Board of Commissioners on September 30, 1997 adopted Resolution #1997-160 which included names of individuals who were appointed as Review Officers for representative jurisdictions in Catawba County; and

WHEREAS, said Resolution was recorded in the Office of the Register of Deeds in Book 2050 Pages 604 and 605 and amended resolutions were subsequently recorded; and

WHEREAS, Anthony W. Starr has been appointed as the Planner for the Town of Maiden; and

WHEREAS, Mr. Starr's job responsibilities include reviewing subdivision plats and serving as a Review Officer for the Town of Maiden;

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to perform the responsibilities as required for Review Officer for the planning jurisdiction as indicated in accordance with the appropriate General Statutes:

Town of Maiden:            Anthony W. Starr

BE IT FURTHER RESOLVED that a copy of this Resolution designating a new Review Officer be recorded in the Catawba County Register of Deed's Office and indexed in the names of the Review Officers.

Adopted this the 18<sup>th</sup> day of March 2002.

/s/ W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

Attest:

/s/ Thelda B. Rhoney, County Clerk

- d. Tax Refund Requests – March 2002.

Five refund requests totaling \$ 5,012.48 have been made to the Tax Office. The records have been checked and these refunds verified; therefore, the Tax Collector is asking for approval of the refund requests. According to General Statute 105-381, a Taxpayer who has paid his taxes may request a refund (in writing) for the amount that was paid through error. The attached sheets give the information for the Taxpayers' reasons for their refund requests:

Refund Requests – March 18, 2002

Elliott, Timothy Scott, 809 S Brady Avenue, Newton, NC 28658, Account No. 19849870  
For 2001 the value of Mr. Elliott's 1997 SeaDoo GSX Jetski and motor was adjusted, but since his taxes were already paid, he has requested a refund for his overpayment.

<u>Year</u>	<u>Value</u>	<u>County</u> <u>Rate</u>	<u>Tax</u>	<u>Late-List</u> <u>Penalty</u>	<u>Interest</u>	<u>Total</u>
2001	3,210	.495	15.89	10% 1.59	.35	\$17.83 *

\* This is in the City of Newton

Harris Teeter Supermarkets Inc., Attn: Jeff D. Sherman, Senior Vice President - Finance & Accounting  
PO Box 33129, Charlotte, NC 28233-3129

Harris Teeter Supermarkets made an appeal of the 1999 Audit Tax Bills to the N C Property Tax Commission in Raleigh. This appeal involved the listing of electronic cash registers and point of sale systems; and a new schedule has been developed. A settlement of their case has been agreed upon, resulting in a reduction in valuation. Since the taxes have been paid, a refund is hereby requested.

Account No. 26171325      Store 159      1999 Audit Bill #4264

<u>Years</u>	<u>County Tax</u>	<u>Late-List Penalty</u>	<u>Total</u>
1998 thru 1995	1,015.22	203.32	\$1,218.54 *

\* This is in the City of Hickory

Account No. 26171300      Store 300      1999 Audit Bill #4265

<u>Years</u>	<u>County Tax</u>	<u>Late-List Penalty</u>	<u>Total</u>
1998 thru 1993	2,216.95	580.95	\$ 2,797.90 *

\* This is in the City of Newton

Hughes, Billy Ray Sr. + Diana L., 2289 S Brushwood Circle, Newton, NC 28658-8685

Account No. 34193000

Their 1987 size 14 x 70 Mobile Home was sold October 25, 2000 to Deluxe Homes. Mr. & Mrs. Hughes paid the 2001 tax bill, but have recently requested a refund for this amount paid.

<u>Year</u>	<u>Value</u>	<u>County</u> <u>Rate</u>	<u>Tax</u>	<u>Newton Rural</u> <u>Rate</u>	<u>Tax</u>	<u>Total</u>
2001	4,580	.495	22.67	.056	2.56	\$ 25.23

Keever, Susan, dba Susan's of Hickory, PO Box 2308, Blowing Rock, NC 28605

Account No. 37636690

A bank attachment processed in February, 2002 prompted Ms Kever to notify the tax office that her business had closed in May of 2000. As a result, she should not have been billed for the year 2001. She requests a refund.

<u>Year</u>	<u>Value</u>	<u>County</u> <u>Rate</u>	<u>Tax</u>	<u>Late-List</u> <u>Penalty</u>	<u>Interest</u>	<u>Attachment</u> <u>Service Fee</u>	<u>Total</u>
2001	163,600	.495	809.82	10% 80.98	24.40	10.00	\$ 925.20 *

\* This is in the City of Hickory

Mayfield, Richard Gilbert, Sr. + Barbara M., 359 44<sup>th</sup> Ave Drive NW, Hickory, NC 28601

Account No. 45947350

Their boat was double-listed in the name of Rick G. Mayfield, Sr. (Account No. 157864) for 2001 taxes. As a result, a refund is requested for their double-payment.

<u>Year</u>	<u>County</u> <u>Value</u>	<u>Rate</u>	<u>Tax</u>	<u>Late-List</u> <u>Penalty</u>	<u>Total</u>
2001	5,100	.495	25.25	10% 2.53	\$ 27.78 *

\*This is in the City of Hickory

Commissioner Barnes made a motion to approve all aforementioned items on the consent agenda. The motion carried unanimously.

### End Consent Agenda

10. Departmental Reports:

a. Utilities and Engineering:

1. Bid for the construction of the Blackburn Landfill Facility Construction/Demolition Landfill Unit 2, Phase 1.

Mr. Barry B. Edwards, Utilities and Engineering Director said the current Construction and Demolition Landfill is filling up quickly and will be at capacity by July 2002 at the current usage rates. The County had been awaiting state approval since February 20, 2001. State approval was finally granted on February 26, 2002. We must have the new Construction and Demolition Landfill completed by July to avoid having to bury C&D waste in the Subtitle D lined landfill cell. Funds in the amount of \$1,100,000 are budgeted in 525-350150-988000 (Building Structures, Improvements) for the total project. All such funds are landfill revenues. No tax dollars are used to fund landfill operations.

Mr. Edwards said there are six construction items remaining to be completed on this project that are not part of this bid: 1) State mandated construction quality assurance estimated at \$30,000; 2) State mandated ground monitoring wells estimated at \$20,000; 3) computer hardware, modem, and software for scale operations estimated at \$18,000; 4) State mandated fencing estimated at \$30,500; 5) roadway base grade estimated at \$49,500; and 6) roadway and entrance paving estimated at \$50,000. He said the complete C&D landfill project including these six items and the bid in the amount of \$846,378 will bring total project under budget by \$55,620 at a total cost of \$1,044,378.

Bids for the construction of the Blackburn Landfill Facility Construction and Demolition Landfill were opened on February 12, 2002, and a total of sixteen bids were received. The base bids ranged from \$709,996 to \$1,283,616.50. The bid document asked for a base bid and then had alternate bid items, each requiring an alternative to an item in the base bid. Staff is recommending the base bid with only the gravel access road and waste periphery road (removing surge stone and crushed aggregate) alternate.

The lowest bid of \$709,996 was that of Ray Smith Construction Company. In a letter from Mark Cathey, P.E. of McGill Associates, it became apparent that Ray Smith Construction had errors in their bid. We received correspondence from Ray Smith Construction admitting to one error, but they did not specifically request for their bid to be withdrawn. Staff recommended this bid be rejected because of the error and concomitant ambiguity of their bid.

Mr. Edwards made the following comments:

1. Ray Smith Construction designated non-responsive because of errors in their bid
2. Staff does not recommend accepting base bid because the County will save money utilizing alternate bid. By employing alternate #16, the County will save approximately \$10,000.
3. Staff recommends accepting alternate #16 because this option saves the County approximately \$10,000 in overall project cost based on the fact that three local contractors have separately and informally bid the line item work for less money.
4. Staff does not recommend accepting alternate #45 because the scales will continue to be employed by the County beyond project completion.
5. Staff does not recommend alternate #46 because the benefit of the concrete wall sound barrier is preferred by citizens and requires less maintenance and has a longer service life.
6. Hickory Construction had an error in their alternate #45 bid, but they were not deemed non-responsive.
7. The low bidder under each possible scenario is highlighted below.
8. Staff recommends alternate #16.

Mr. Edwards said Phillips & Jordan, Inc. is a Knoxville, TN based general and specialty contractor with offices in Raleigh, Wilmington and Robbinsville, North Carolina along with offices in Zephyrhills, Orlando, and Ft. Myers, Florida; Myrtle Beach, South Carolina; and Atlanta, Georgia. The company was established in 1953 and incorporated in 1959. The over forty-seven years of construction expertise encompass: land-clearing, earthwork, site development and infrastructure, municipal solid waste landfill facilities, right-of-way clearing and maintenance, utilities, geophysical line clearance, project management, and disaster recovery work. The following solid waste projects have been recently completed by Phillips & Jordan in North Carolina: Kersey Valley Landfill, High Point, NC, 1997; North Wake County Landfill, 1995; and Buncombe County Landfill, Phases 1-3, 2001. In addition, Phillips & Jordan has provided management and operations for the cleanup at the World Trade Center disaster site in New York.

Mr. Edwards reviewed the following schedule: Remaining airspace for C&D site study plans submitted to NCDENR, November 2000: Submitted permit to construct to NCDENR on February 20, 2001; Received permit to construct from NCDENR on February 26, 2002; Existing C&D is projected to be at capacity by July 2002, based on current waste streams; and New C&D landfill must be open by July 1, 2002.

Mr. Edwards said in reviewing the alternate bid, it was determined that Phillips & Jordan, Inc. was the low bidder utilizing the base bid with the gravel access road and waste periphery road (removing surge stone and crushed aggregate) alternate. The County's Consulting Engineer has negotiated with the low bidder and they have agreed, as determined in the pre-construction conference, that the gravel access road and waste periphery road (removing surge stone and crushed aggregate) alternate should reduce the bid by an additional \$13,420, resulting in a total cost of \$846,378. Over and beyond the fact that Phillips and Jordan is the lowest responsible bidder under alternate #16, their qualifications far exceed all other bidders in the construction of solid waste landfills. This is of utmost importance given our existing C&D landfill will be at capacity in July 2002, a short four months away.

Alternative Bid Definitions:

#16 – alternate deduct bid was provided for the elimination of the Gravel Access Road and Waste Periphery Road from the base bid. It was mandatory that the amount of the deduction was based on removing the 6" layer of surge stone and 6" layer of crushed aggregate from the scope of work. The deduct considers the cost of material and installation.

#45 – alternate bid provided for the salvage of existing scales.

#46 – alternate bid item considered a 10' metal sound barrier wall in lieu of a pre-cast masonry wall to determine if cost savings warranted construction of less quality.

**Bid Summary  
Blackburn Landfill Facility  
Construction/Demolition Landfill**

	<b>Ray Smith Construction Co.</b>	<b>Hickory Construction Co.</b>	<b>Phillips &amp; Jordan, Inc.</b>	<b>Geymont Construction Co.</b>
Base Bid	\$709,996.00	\$911,518.74	\$913,478.00	\$917,440.00
<b>Alternate #16</b>	<b>\$626,121.00</b>	<b>\$867,903.74</b>	<b>\$859,798.00</b>	<b>\$877,180.00</b>
Alternate #45	\$709,996.00	\$907,518.74	\$910,478.00	\$894,777.00
Alternate #46	\$694,096.00	\$891,718.74	\$888,278.00	\$875,440.00
Alternate #16 & #45	\$626,121.00	\$863,903.74	\$856,798.00	\$854,517.00
Alternate #16 & #46	\$610,221.00	\$848,103.74	\$834,598.00	\$835,180.00
Alternate #45 & #46	\$694,096.00	\$887,718.74	\$885,278.00	\$852,777.00

For clarification, there were only three alternate bids and each is numbered according to their respective bid line item.

In addition to the aforementioned bids the other base bids were: Taylor & Murphy Const. Co., Inc. - \$943,784; Mustard Seed Const., Inc. - \$999,489.20; D. W. Flowe & Son, Inc. - \$1,023,825.51; Tennoca Construction Co. - \$1,045,263; Richardson Const. Co., Inc. - \$1,105,868; White Fox Const. Co., Inc. - \$1,072,420.45; Blythe Construction, Inc. - \$1,124,357.50; Thalle Const. Co., Inc. - \$1,129,162; H. B. Rowe & Co., Inc. - \$1,159,737.12; Morgan Corporation - \$1,191,869.50; L-J, Inc. - \$1,214,303.65; and C. J. Langfelder & Son, Inc. - \$1,283,616.50.

Funds are budgeted in current year:

525-350150-988000

\$846,378

(Building, Structures & Improvements)

Mr. Edwards said the Public Works Subcommittee recommended that the Board of Commissioners approve the bid for the construction of the Blackburn Construction and Demolition Landfill and award to Phillips & Jordan, Inc. in the amount of \$846,378.

Mr. Jerry Geymont, President, Geymont Construction Co. said the alternates that were available were well presented. If you look at the alternates there is an array of the three contractors after Smith removed that either Hickory Construction, Phillips & Jordan or Geymont Construction Co. could be awarded this project. He said he was representing his company and Hickory Construction. He said there is an opportunity to keep the tax dollars at home. He agrees that Phillips & Jordan has more experience in landfill development. He said this is a demolition landfill, not putting in a liner, stone and doing a lot of work. This is building a road, a building, and dirt work and all three bidders are qualified to do the work. He requested the board consider awarding the bid to Hickory Construction Company, keeping the tax dollars at home. He said collectively they have 250-275 employees that pay Catawba County taxes and use the landfill. Hickory Construction and Geymont Construction use the landfill and pay tipping fees.

Chairman Ikerd thanked Mr. Geymont for his comments.

Mr. Edwards said the Board has three options: 1) It can accept the Alternate #16 bid introduced that saves the County \$21,500 considering what it can be done by a local vendor; 2) it can go with the base bid and spend \$21,500 dollars; or 3) it can reject the bids.

County Staff Attorney Debra Bechtel said Mr. Edwards correctly stated the Board's three options. If the Board comes to the conclusion that Alternate #16 is the appropriate way to proceed on this project the Board is legally bound to accept the lowest responsible bidder. The board does not have a choice or option no matter how it may feel about keeping tax dollars in the county.

Mr. Edwards said they pulled out the computers, fencing, etc. in order to try to keep local and they have always alternate bid the gravel.

After a brief discussion, Commissioner Huffman made a motion to approve Alternate Bid #16, to Phillips & Jordan in the amount of \$846,378. The motion carried unanimously.

11. Attorneys' Report. None.
12. Manager's Report. None.
13. Other items of business. None.
14. Adjournment.

At 8:15 p.m., there being no further business to come before the Board, Commissioner Barnes made a motion to adjourn. The motion carried unanimously.

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W. Steve Ikerd, Chairman  
Catawba County Board of Commissioners

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Thelda B. Rhoney  
County Clerk